

Standing Committee on Self-Represented Litigants Minutes
October 30, 2013
1:30 p.m. to 3:30 p.m.

In Attendance: Judge Snowberger (Chair), Rachel Weise, Lisa Meclenberg-Jackson, Erin Faris, August Swanson, Chris Manos, Randy Snyder, Judge Ortley, Patty Fain, Janice Doggett, and Kate Kuykendall.

All present introduced themselves. Judge Snowberger opened the floor for public comment on non-agenda items; there were no comments.

Erin moved to approve the minutes from July 23, 2013. August seconded the motion. The minutes were approved.

Randy moved to approve the minutes from August 15, 2013. August seconded the motion. The minutes were approved.

Forms Subcommittee

Judge Snowberger gave a brief description of the work the forms subcommittee has been doing. The current project is the form for Dissolution With Kids. There is a need for a more efficient process for working on forms. The group is hoping to have this form finished in the next 45 days.

The Committee talked about the work on the forms. There have been suggestions about strong forms revision processes from other states; this will be a topic of discussion at the next Committee meeting. There was some discussion of radically changing how the forms are designed. The bulk of the work so far has been done by Judge Snowberger, Erin Faris, and Ed Higgins. It was made clear that this is unsustainable if the Committee hopes to get through a significant volume of forms. Randy suggested taping the Family Law section for help. Judge Snowberger has been talking with other judges and practitioners.

Judge Ortley suggested soliciting three district court judges to commit time to looking at the forms and discussing minimum criteria. He will lead this effort.

Judge Snowberger clarified that the Committee is not seeking to implement a mandatory forms system right now. This is an idea that has been considered, but many feel Montana isn't ready for mandatory forms yet. Judge Ortley suggested that the effort to increase the use of approved forms would be aided if the Commission, as a Commission of the Supreme Court, could give some kind of official blessing to the approved forms.

Visioning/Strategy

Judge Snowberger reviewed the vision of the Committee as it was stated at the previous meeting: "It is the vision of the Standing Committee on Self-Represented Litigants to achieve the fair and efficient resolution of unmet legal needs."

Judge Snowberger opened the floor for discussion of four identified action categories under this vision: Collaboration/Communication, Education/Training/Communication, Developing Self-Help Resources/Tools, and Legislation and Rule Changes. The Committee discussed possible goals under the four categories.

The Committee identified the following goals under Collaboration/Communication:

1. Develop some kind of portal or contact where members of the public can contact the commission directly.
2. Identify the list of people we should be collaborating with as a committee.
3. Development of a summit regarding SRL issues.
4. Create a State of Montana's SRL report.

Judge Ortley moved to approve these four goals. August seconded the motion. The goals were approved.

The Committee identified several potential goals under Education/Training/Communication. These ideas include:

- Trainings or summits for local areas and types of legal professional designed to help clarify the difference between legal information and legal advice;
- Pursuing ATJC endorsement of a definition of legal information vs. legal advice;
- Recorded webinars explaining each form the Committee produces (targeting SRLS, practitioners, or the judiciary);
- Producing an overarching message about pro se assistance and what's being done to improve it;
- Updating the bench book Montana judges receive;
- Encouraging use of the bench book;
- Pointing people toward Richard Zorza's SRL network and national manual;
- Producing a guide/checklist for working with SRLs;
- Educating public service providers, attorneys, and judges (through a bench book, manual, or other means).

The Committee declined to approve any specific goals under this category, and will discuss this category further at future meetings.

The Committee identified the following goals under Developing Self-Help Resources/Tools:

- Inventory self-help tools and resources
- Continue support of the Court Help Program
- Support pro bono, modest means, and limited scope
- Work on the tools we have now which are form development and current access to current programs
- Identify areas where there are gaps in information that a person navigating the court system would have difficulty with, and identify collaborators to work on filling the gap.

The Committee moved on to a discussion of goals under the Legislation and Rule Changes category.

Judge Snowberger gave a brief summary of the status of the SJ22 interim study of the law and justice committee. They are currently gathering information about ways they might improve the family law arena. The next meeting is December 5. Judge Snowberger will attend the meeting and talk about the Committee's work and form development.

The Committee discussed its perception of the impacts and non-impacts interim studies often have in the MT legislature. Judge Snowberger asked the Committee to think about specific things in the family law system that we know aren't working.

Judge Ortley mentioned that showing what can be done using forms may be a useful tactic. We know we need to increase funding in certain areas. We can show that forms can help tremendously in certain areas. Forms represent an excellent guide for the process.

The Committee will continue to work on identifying concrete suggestions for changes that will help by email prior to December 5.

The Committee agreed to try to meet again in December; Judge Snowberger will send out a meeting poll. **August moved to adjourn. Erin seconded the motion.**

Meeting adjourned: 3:37PM.